



Frequently Asked Questions about the Draft Economic Analysis for Peirson's Milk-Vetch Proposed Critical Habitat

Q. What is an economic analysis?

When designating critical habitat for a federally listed species, the Endangered Species Act of 1973, as amended (Act), requires the U.S. Fish and Wildlife Service (Service) to estimate economic and other impacts associated with designating any particular area as critical habitat. This assessment is completed through the preparation of an economic analysis.

Impacts identified in an economic analysis may be used by the Secretary of the Interior to determine if certain areas should be excluded from critical habitat based on a comparison of the benefits of exclusion versus the benefits of including a particular area as critical habitat. However, economic impacts are not used to determine whether or not a species should be listed under the Act – decisions to list species under the Act are based solely on an assessment of a species' status using the best available scientific and commercial information.

Q. How does the designation of critical habitat potentially result in economic impacts?

Section 7 of the Act requires Federal agencies to consult with the Service if an action that is carried out, funded, or permitted by them may affect a federally listed species or its designated critical habitat.

The purpose of a consultation is to ensure that proposed projects that are being carried out, funded, or authorized by a Federal agency will not jeopardize the continued existence of a listed species or adversely modify its designated critical habitat. Through the consultation process impacts to species or designated critical habitat can be minimized or offset through the development of appropriate conservation measures. Implementation of conservation measures and the process of conducting a consultation itself involve costs to Federal agencies, including the Service, and to project applicants.

Q. What types of activities occur in the areas proposed as critical habitat and how are they addressed in the draft economic analysis?

The Algodones Dunes is the largest sand dune formation in California – about 5 miles wide and extending 40 miles along the eastern edge of the Imperial Valley. Approximately 167,000 acres of the Algodones Dunes are included in the Imperial Sand Dunes Recreation Area (ISDRA), managed by the Bureau of Land Management (BLM). The ISDRA is one of the most popular off-highway vehicle (OHV) recreation areas in the western United States, generating about 1 million visitors annually. The BLM has identified 8 separate Management Areas (MA) for the ISDRA.

Peirson's milk-vetch is a native plant that has a limited distribution. In the United States, the plant is only found in the Algodones Dunes in Imperial County, California. The Service proposed critical habitat for Peirson's milk-vetch on approximately 52,780 acres in the

Algodones Dunes – most of the areas proposed as critical habitat are within the boundaries of the ISDRA.

Since the primary activity in the Algodones Dunes is OHV recreation, the draft economic analysis identified potential impacts to the regional economies of Yuma and Imperial counties if all or portions of the dunes were closed to OHV use. The draft analysis also identified costs incurred by the U.S. Fish and Wildlife Service and BLM to conduct section 7 consultations related to Peirson's milk-vetch, and past costs associated with the listing of the plant under the Endangered Species Act.

Q. What are the results of the draft economic analysis for Peirson's milk-vetch?

If all areas of the ISDRA proposed for designation were closed to OHV use, the regional economies of Imperial and Yuma counties would see an upper bound reduction in output of \$55 to \$124 million in the year 2013. These estimates represent about 2.4 percent of Imperial County's and less than 0.5 percent of Yuma County's total economic output. Neither the Service nor BLM anticipate closures in the dunes due to critical habitat. If no closures were to take place, the regional economic impact would be zero.

The draft analysis provides estimates of economic contributions for each of the Management Areas within the ISDRA that are included as proposed critical habitat. For example, contributions from the Mammoth Wash Management Area could be \$40,000 by the year 2013, while Glamis Management Area contributions could range up to \$61.1 million for the same timeframe.

Estimated costs incurred by the Service and BLM to conduct consultations on Peirson's milk-vetch are estimated to be \$11.3 million in the year 2013. From 1998 – the year Peirson's milk-vetch was listed under the Endangered Species Act – and 2004, costs attributable to the listing of the plant were about \$24.5 million.

Q. Does critical habitat affect all projects?

No. Critical habitat only directly affects those projects that have some type of Federal agency involvement. Projects proposed on non-Federal land are not directly affected by the designation of critical habitat, even if a project is proposed in an area designated as critical habitat. The only way that non-Federal land can be directly affected by the designation of critical habitat is if a proposed project requires a permit, authorization or funding from a Federal agency.

Q. Are all of the economic impacts identified in the draft analysis solely attributable to costs related to consultations to address the adverse modification provisions of the Act?

No. Due to the similarity in the definitions of 'jeopardy' and 'adverse modification', the draft analysis for Peirson's milk-vetch does not separate out what proportion of impacts resulting from a section 7 consultation are specifically related to the jeopardy provision or adverse modification provision of the Act.

Therefore, it is likely that these analyses overstate impacts specifically associated with the proposed critical habitat designation for the plant.

Q. How did the Service determine what areas are essential to the conservation of the Peirson's milk-vetch?

To determine areas essential to the conservation of Peirson's milk-vetch, the Service utilized existing scientific and commercial information about the plant and its habitat. The general range of the plant was determined by utilizing survey information conducted by BLM, Westec, Dr. Phillips, and Thomas Olsen and Associates. This initial review of survey data provided the basis for determining presence or absence of the plant in the Algodones Dunes. We also relied on this survey data to develop a method to identify areas essential to the conservation of the plant. The analysis of available data allowed us to extrapolate values for four variables, as follows: (1) the presence or absence of standing plants; (2) the abundance of Peirson's milk-vetch; (3) the frequency of occurrence of the plant; and (4) the number of associated rare psammophytic plant taxa present.

Based on the results, we were able to develop a map showing the portions of the Algodones Dunes essential to the conservation of the plant. Areas proposed as critical habitat are designed to provide sufficient habitat for the plant to maintain self-sustaining populations.

Q. Why is the Service proposing critical habitat for Peirson's milk-vetch?

At the time we listed Peirson's milk-vetch under the Act, we did not designate critical habitat. Two lawsuits were filed challenging our decision not to designate critical habitat at the time we listed the plant under the Act. One lawsuit was filed by the Center for Biological Diversity and the California Native Plant Society, a second lawsuit was filed by the Building Industry Legal Defense Foundation. As a result of the lawsuits, the U.S. District Court for the Southern District of California ordered the Service to publish a proposed rule to designate critical habitat for Peirson's milk-vetch on or before July 28, 2003.

Q. Does the designation of critical habitat create preserves?

No. A critical habitat designation does not affect land ownership or establish a refuge, wilderness, reserve, preserve, or other conservation area. It does not allow government or public access to private lands and will not result in closure of the area to all access or use.

Q. My private property is included in the proposed critical habitat boundaries, what happens now?

The proposed designation of critical habitat does not directly affect private or State landowners unless they are undertaking a project on their land that requires Federal funding, permits, or authorization.

If a project that requires Federal funding, permitting, or authorization is planned in an area designated as critical habitat, and if the agency determines that the project may affect Peirson's milk-vetch or its critical habitat, then the agency responsible for providing the funding or permit would have to consult with the Service.

Q. How do I provide comments on the proposed critical habitat rule and draft economic analysis?

To ensure that any final action resulting from this proposal is as accurate and as effective as

possible, we are actively soliciting comments and information from the public, other government agencies, the scientific community, industry representatives, and any other interested party.

Written comments and information on the draft economic analysis and proposed designation of critical habitat will be accepted until May 6, 2004.

Send written comments and information to the Field Supervisor, Carlsbad Fish and Wildlife Office, 6010 Hidden Valley Road, Carlsbad, California 92009. Comments and materials may also be sent by facsimile to 760/431-9618.

You may also submit comments by electronic mail (e-mail) to FW1PMV@r1.fws.gov. Please submit e-mail comments in ASCII file format and avoid the use of special characters or encryption. Also, please include "Attn: RIN 1018-AI77" in the subject line of your message and your name and address in the body of your message.

If Internet service is not available, please submit your comments by mail or facsimile.

All comments and materials received during the comment period will be available for public inspection by appointment, during normal business hours, at the Carlsbad Fish and Wildlife Office.